

**REMARKS**

Reconsideration of the application is respectfully requested.

**I. STATUS OF THE CLAIMS**

Claims 4, 11, 17, 18, and 19 were previously canceled without prejudice or disclaimer of the subject matter therein.

Claims 1-3, 5-10, 12-16, and 20 are pending in the application. A listing of the claims is provided as a courtesy to the Examiner.

**II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,888,135 to Barton et al. ("Barton") and the Examiner's statement of ordinary skill in the art. Applicant respectfully traverses these rejections.

Claims 1-3, 5-9, 13-16, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of U.S. Patent Application No. 2003/0060287 to Nishiyama ("Nishiyama"). Applicant respectfully traverses these rejections.

According to the Examiner, the combination of Barton with knowledge of ordinary skill in the art or the combination of Barton and Nishiyama discloses all of the elements of the claims, including independent claims 1, 10, 13, 14, and 20. Applicant respectfully disagrees with the Examiner.

The system according to independent claim 1 includes a transmitter, a recording medium, and a movable machine. The transmitter transmits a control signal that includes first identification information. The transmitter includes:

- a characteristic information recognition device for recognizing the characteristic information concerning the movable machine to be controlled, recorded on the recording medium; and

- a second identification information transmission device for transmitting the second identification information obtained by the recognized characteristic information

The movable machine includes:

- a storage device for storing the characteristic information including second identification information associated with itself;

- a discrimination device for determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, on the basis of the received second identification information and the second identification information stored in the storage device; and

- a remote control prohibition device responsive to discrimination that the remote control is not allowed, for prohibiting the remote control by the transmitter that has transmitted the second identification information, irrespective of whether the combination based on the first identification information is established.

Thus, claim 1 requires that the movable machine discriminate based on two separate pieces of identification information, i.e., the first and second identification information. For example, the first piece of identification information could be an ID shared by both the transmitter and the moveable machine. (See Specification, Page 14, Lines 6-18). The second identification information can be any information that is characteristic of the movable machine. (See Specification, Page 17, Lines 8-11). For the movable machine to operate, both the first identification information and the second identification information must be transmitted to the movable machine and verified. (See Specification, Page 19, Lines 18-24).

In contrast, Barton discloses only a single piece of identifying information that is used by a vehicle to determine if the vehicle should respond to remote control. Barton discloses that the address of the vehicle to be controlled is set by pressing a button 58, on a pad, a set number of times. (Barton, Column 5, Lines 53-65). Every time the button 58 is pressed, a switch 59 is closed. (Barton, Column 5, Line 66 – Column 6, Line 1). A vehicle address is indicated by the closures of the switch 59. (Barton, Column 8, 21-28). The address of the selected vehicle and the pad are used to form a composite address, which is transmitted in a packet of signals along with the status of open and closed switches on the pad to all of the vehicles. (Barton, Column 8, Lines 30-58). Barton discloses that “only the individual one of the vehicles 12, 14, 16, and, 17 with the address indicated in the packet of signals ... will respond to such packet of signals. (Barton, Column 8, Lines 55-58). When the vehicle receives a packet of signals that includes the address of the vehicle, the vehicle operates in accordance with commands issued by the pad (Barton, Column 14, Line 66 - Column 15, Line 2). In Fig. 4 of Barton the switches 128, 130, and 132 are labeled as

“VEHICLE ADDRESS SELECT.” (Barton, Fig. 4). Thus, the vehicle ID, which is set by these switches, corresponds to the address of the vehicle. (See Barton, Column 10, Lines 18-30; Fig. 4). In addition, Barton discloses that the address can be set by a key that is inserted into the vehicle. (Barton, Column 14, Line 59 – Column 15 Line 2). In either case, the vehicle address of Barton corresponds to the first identification information of the present invention. Barton does not disclose any additional information that is transmitted to the vehicle and used by the vehicle to determine whether remote control is allowed.

In view of the foregoing, Applicant submits that Barton does not disclose a device for transmitting second identification information, which is based on characteristic information concerning a movable machine, to a movable machine, as required by claim 1. Further, Barton does not disclose “a discrimination device for determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, on the basis of the received second identification information and the second identification information stored in the storage device,” as required by claim 1. Barton only discloses one piece of identification information, i.e., the address, and thus does not disclose second identification information. Moreover, Nishimura does not disclose any identification information used to specify a device to be controlled among multiple devices. Therefore, the combination of Barton and Nishiyama does not disclose all of the elements of claim 1. Thus, claim 1 is not obvious in view of the references cited by the Examiner. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim 10 is directed to a movable machine that is combined with a transmitter on the basis of first identification information. The movable machine comprises:

a discrimination device responsive to transmission of second identification information for specifying a movable machine to be controlled, transmitted from the transmitter, the discrimination device determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed....

Thus, claim 10 also requires that the movable machine discriminate based on two separate pieces of identification information, i.e., the first and second identification information. Therefore, Applicant submits that claim 10 is allowable at least for the reasons discussed above with respect to claim 1. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim 13 is directed to a transmitter that is combined with a movable machine on the basis of first identification information. The transmitter comprises:

a characteristic information recognition device for recognizing characteristic information of the movable machine recorded on a recording medium existing independently of the transmitter and the movable machine; and

a second identification information transmission device for transmitting second identification information obtained by the recognized

characteristic information, the second identification information specifying the movable machine to be controlled.

Thus, claim 13 requires a transmitter that uses two separate pieces of identification information, i.e., the first and second identification information, to control a movable machine. Therefore, Applicant submits that claim 13 is allowable at least for the reasons discussed above with respect to claim 1. Specifically, the combination of Barton and Nishiyama does not disclose a transmitter that uses two separate pieces of identification information to control a movable machine. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claims 1, 13, 14, and 20 each require that the recording medium exists independently of the transmitter and the movable machine. Specifically, claims 1 and 14 each require:

a recording medium having characteristic information associated with the movable machine recorded thereon, the recording medium existing independently of the transmitter and the movable machine, the characteristic information including movable machine specification information specifying the movable machine.

Claim 13 requires:

a characteristic information recognition device for recognizing characteristic information of the movable machine recorded on a recording medium existing independently of the transmitter and the movable machine.

Similarly, claim 20 requires:

a characteristic information recognition device capable of  
recognizing characteristic information of the movable machine recorded  
on a recording medium existing independently of the transmitter and  
movable machine.

The second identification information is generated from the characteristic information of the movable machine stored on the recording medium. Thus, because the recording medium is independent of both the transmitter and the movable machine, only a user who has the recording medium associated with a particular movable machine can control the movable machine. For example, a manufacturer could produce and sell recording medium that contains the characteristic information associated with a particular movable machine. According to the present invention, unauthorized users, i.e. persons who have not purchased the appropriate recording medium, would be prevented from using the system.

The combination of references cited by the Examiner fails to teach or suggest storing information specific to a particular movable machine on removable recording medium to thereby limit remote control of the movable machine to authorized users. The Examiner admits that Barton does not disclose a recording medium existing independently of the transmitter and the movable machine. (Detailed Action, page 5). Further, Nishiyama merely discloses a cartridge for storing a game program. (Nishiyama, Paragraph [0045]). Thus, the combination of references cited by the Examiner does not disclose this feature of the present invention. Thus, claims 1, 13, 14, and 20 are

not obvious in view of the cited references. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

In light of the foregoing remarks, Applicant submits that the cited references fail to disclose, teach, or suggest the features of independent claims 1, 10, 13, 14, and 20. Applicant further submits that claims 2, 3, 5-9, 12, 15, and 16, which are dependent upon one of claims 1, 10, and 14, are allowable at least by reason of dependency upon an allowable base claim. Consequently, Applicant submits that the present invention is both novel and inventive over the cited references and respectfully requests that the rejections be withdrawn.



**CONCLUSION**

In view of the foregoing, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

It is believed that no fee(s) other than the fee for a one (1) month extension of time is required for these submissions. Should the U.S. Patent and Trademark Office determine that additional fees are owed or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

Dated: February 17, 2009

Respectfully submitted,

By 

Louis J. DelJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant